

REMARKS

Upon entry of the present amendment the claims under consideration are 1-46. Claims 1 and 26 are amended to make clear that the entirety of the pant garment is disposable. Claims 35 and 38 are amended to make clear that the side panels of the pant garment are made from elastomeric material rather than merely having elastic material applied thereto. Claims 41 and 42 are amended to make clear that it is the edges of each of the front and back panels for each side of the garment which are not collinear. All amendments are fully supported by the specification and do not represent new matter. The Examiner's Detailed Action of 12 January 2004 will now be addressed with reference to any subject headings and paragraph numbers therein.

Claim Rejections 35 USC § 102

Claims 1-6, 14-17, 26-33, 35, 38, and 41-46 stand rejected as anticipated by Wilson, US Patent 3,039,466 (hereinafter "Wilson"). Applicants respectfully traverse these rejections.

It is the contention of the Detailed Action that Wilson teaches all limitations of Independent claims 1 and 26. Generally, Wilson does not teach a "disposable pant garment" as required by Claims 1 and 26. The only part of Wilson which is designed to be disposable is the absorbent liner. In order to clearly claim the disposable nature of the garment of the present invention Applicants have inserted a limitation to that effect in the body of each of said Claims.

Specifically with respect to Claim 14, it is respectfully noted that the front and back panels of Wilson are not "bonded" to the chassis but are integral therewith. The chassis is only represented by the outer cover 12a, or the outer cover with absorbent

attachment liner 14. Neither of outer cover 12a or liner 14 shows bonds attaching the side panels (actually defined by Wilson as “side edge portions”). The “side panels” as such, are integral with the outer cover and liner in keeping with the non-disposable nature of the outer cover. The Detailed Action notes bonding of panels in Figures 19 and 21 in support of the rejection. Applicants respectfully note that it is not the panels, but the keeper assembly 128, which is shown as riveted to the outer cover.

Specifically with respect to Claims 26, 32, and 33, it is respectfully noted that there are no two piece panels having proximal and distal portions. The Detailed Action notes two piece panels with proximal and distal portions in Figures 19 and 21 in support of the rejections. Applicants respectfully note that it is not the panel which has two pieces. Rather, a reinforcement/carrier strip 134 for the keeper assembly 128, is shown attached to the side panel area, rather than a two piece side panel as claimed.

Specifically with respect to Claims 35 and 38, it is respectfully noted that Wilson merely teaches a folding over of the chassis material with an elastic strip encased therein rather than a side panel made from elastomeric materials as in the amended Claims.

Specifically with respect to Claims 41 and 42, the Claims have been amended to recite that the distal edges of the side panels for each side of the garment are not collinear. Such an arrangement is not shown in Wilson.

Specifically with respect to Claims 43 and 44, it is respectfully noted that Wilson merely teaches the riveting of snaps into the chassis material rather than the fastening components being integral with a surface of a side panel as claimed.

Each of the remaining dependent Claims are dependant upon and incorporate all limitations of the Independent Claims 1 and 26, and also define over the

teachings of Wilson. Thus Wilson does not anticipate the presently claimed invention and it is respectfully requested that the present rejections be withdrawn.

Claim Rejections 35 USC § 103

Claims 7-12 and 18-25 stand rejected as obvious over Wilson and further in view of Anderson (US Patent 5,062,839). Applicants respectfully traverse all said rejections. It is the contention of the Detailed Action that Wilson teaches all aspects of the claimed invention except hook and loop fasteners. Applicants herewith incorporate the above discussion with respect to Wilson's failure to teach the present invention.

Specifically with respect to Claims 9, 10, 20, and 21, the Detailed Action admits that Anderson is silent as to the exact arrangement of its hook and loop fasteners. However, the Detailed Action has deemed the claimed arrangement of Claims 9, 10, 20 and 21 to be "obvious matters of design choice ... as the applicant has not shown that such a placement serves any particular purpose or solves any specific problem." Applicants respectfully disagree. Extensive discussion in the specification, e.g., pages 2-5 and 15-16, make clear that the exemplary and claimed embodiments of the invention are designed to solve specific problems by providing specifically enhanced functionalities through the claimed arrangement of parts. Applicants again, as in their last amendment, respectfully submit that in the claimed arrangements the softer "loop" side of a complementary fastener would face the wearer's skin in the event of fastener misalignment, while in the opposite arrangement, the more resilient hook members would face the wearer's skin in the event of fastener misalignment and be much more likely to cause irritation to the wearer. Thus, Applicants have shown that the claimed arrangements solve particular problems and

further, are not obvious matters of substitution for parts of equivalent functionality, such as a screw and nail, to which such a rejection might properly be applied.

Specifically with respect to Claim 24, it is respectfully noted that the front and back panels of Wilson are not “bonded” to the chassis but are integral therewith. The chassis is only represented by the outer cover 12a, or the outer cover with absorbent attachment liner 14. Neither of outer cover 12a or liner 14 shows bonds attaching the side panels (actually defined by Wilson as “side edge portions”). The “side panels” as such, are integral with the outer cover and liner in keeping with the non-disposable nature of the outer cover. The Detailed Action notes bonding of panels in Figures 19 and 21 in support of the rejection. Applicants respectfully note that it is not the panels, but the keeper assembly 128, which is shown as riveted to the outer cover.

Claims 13, 34, 36, 37, 39, and 40 stand rejected as obvious over Wilson and further (sic) in view of Ashton (US Patent 6,443,940; hereinafter “Ashton”). Applicants respectfully traverse all said rejections.

It is the contention of the Detailed Action that Wilson teaches all aspects of the claimed invention except a line of weakness per Claims 13 and 34. It is noted specifically with respect to Claims 13 and 34 that Wilson, being a nondisposable chassis construction, would not accommodate nor have any need of the claimed line of weakness. Therefore Wilson and Ashton provide no motivation for such a combination and the present rejections must be withdrawn.

It is the contention of the Detailed Action that Wilson teaches all aspects of the claimed invention except elastomeric side panels per Claims 36, 37, 39 and 40. It is noted that Wilson, being a nondisposable one piece chassis construction, would have to be

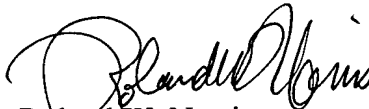
totally reconstructed to accommodate the claimed elastomeric side panels. Neither of Wilson or Ashton provide motivation for such a reconstruction of the basis of construction of Wilson. Only with impermissible hindsight having the present invention firmly in mind would such a combination of a permanent chassis of Wilson and the nonpermanent chassis of Ashton be suggested to the person having ordinary skill in the art. Thus, the present rejections must be withdrawn.

For all the foregoing reasons, all claims presently under consideration are believed to be allowable over the art of record. A notice to that effect is earnestly solicited.

Should the Examiner have any further concerns or questions after consideration of the present paper, the Examiner is invited to call Applicants' undersigned attorney at the below listed number.

Favorable consideration is requested.

Respectfully submitted,



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